



CITY COUNCIL STAFF REPORT

MEETING DATE:	19 March 2015
APPLICANT:	Edgardo Martinez
ADDRESS:	3165-3185 S. State, 131-139 E. 3185 S.
REQUEST:	General Plan Amendment
ZONE:	Medium-Density Residential (9-15 units per acre) to General Commercial
FILE NUMBER:	GP-15-001
PREPARED BY:	Michael Florence

SYNOPSIS: Edgardo Martinez is petitioning the City Council for a recommendation to amend the future land use map to designate .33 acres located at 131-139 E. 3185 S. from Medium Density Residential to General Commercial. The purpose of the petition is to allow for the expansion of the existing car dealership that fronts State Street at 2848 S. State Street.

SUMMARY:

- The applicant operates a car dealership at 3165 S. State called Car City
- The home at 135 E. 3185 S. was damaged by a fallen tree a number of years ago. The City Building Official declared it a dangerous building and the City Administrative Law Judge upheld the decision. The current property owners recently demolished the home after leaving it vacant for many years
- The property owner of the dealership and the residence are the same
- New construction is proposed with this application. The proposal is to construct a new dealership building and allow for additional display area
- Staff recommends reviewing the General Plan recommendations as indicated in this staff report that apply to the application
- For this application, the Planning Commission is making a recommendation to the City Council. If successful, the applicant will return to the Planning Commission for a recommendation to amend the zoning map and for design review since the expansion is adjacent to a single family zone.

PLANNING COMMISSION ACTION:

At a public hearing on March 19, 2015, the South Salt Lake Planning Commission voted on a four-to-two vote to recommend DENIAL to the City Council to amend the future land use map of the General Plan from Medium Density Residential to General Commercial located at 3185 South 134 East, 3185 South 135 east, and 3185 South 139 East.



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General Information:

Location: 3165-3185 S. State, 131-139 E. 3185 S.

Property Size: .33

Surrounding General Plan Designation and Land Uses

North: General Commercial – Auto repair and strip mall

South: General Commercial – Restaurant and single family residence

East: Medium Density Residential – Single family homes and apartments

West: General Commercial – Commercial retail

Figure 1: Aerial Photo

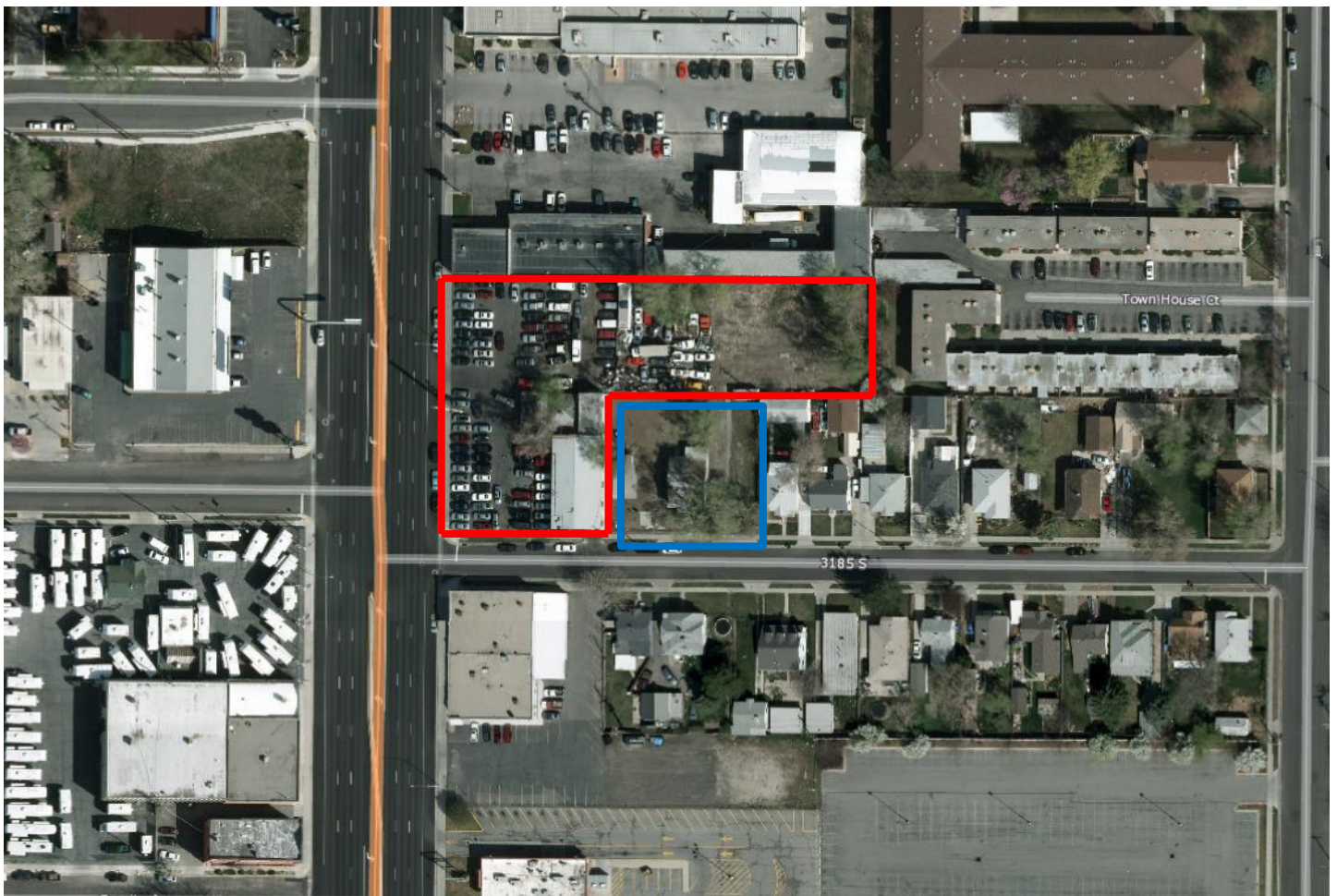


Figure 2: Existing Zoning

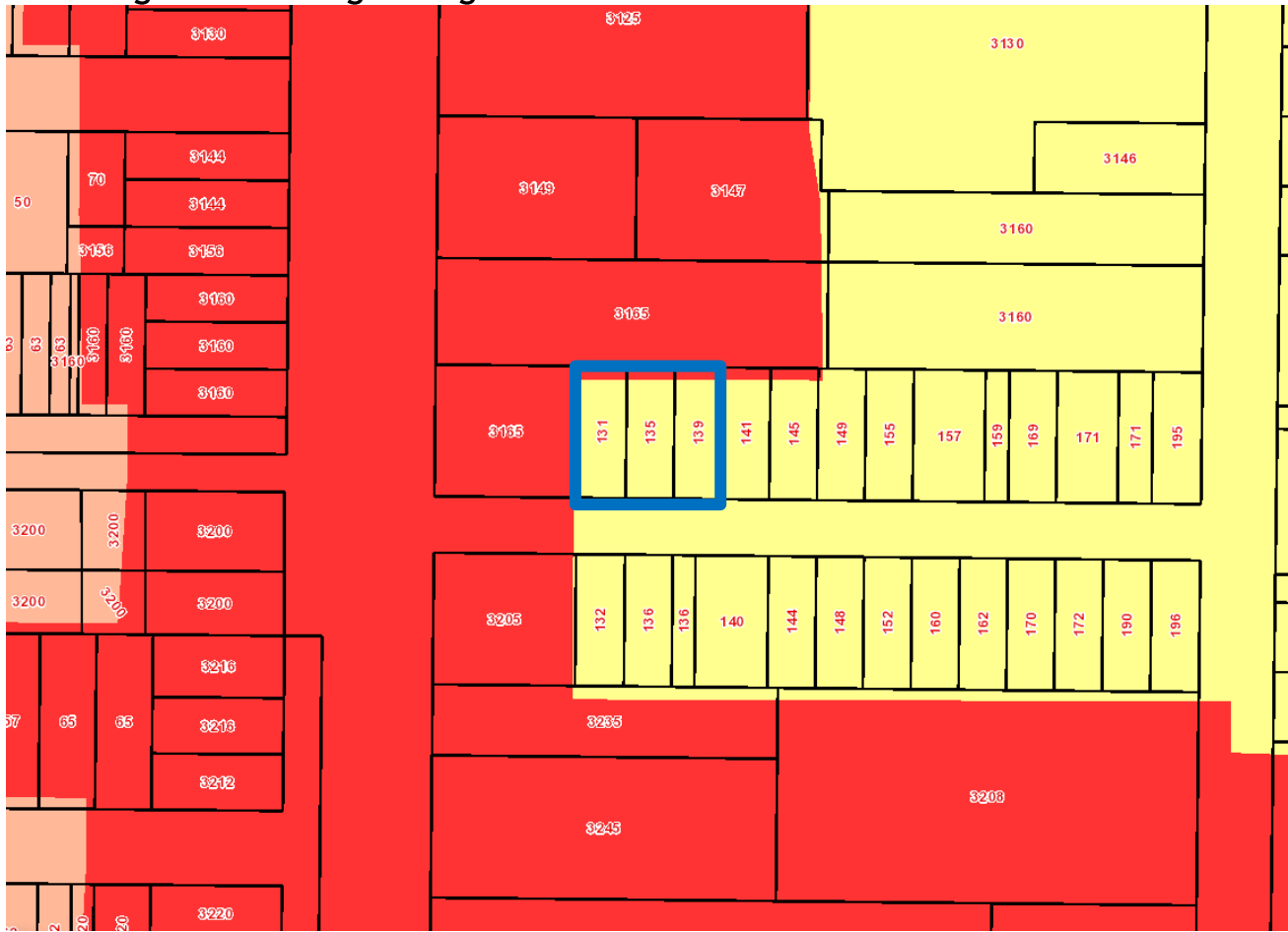
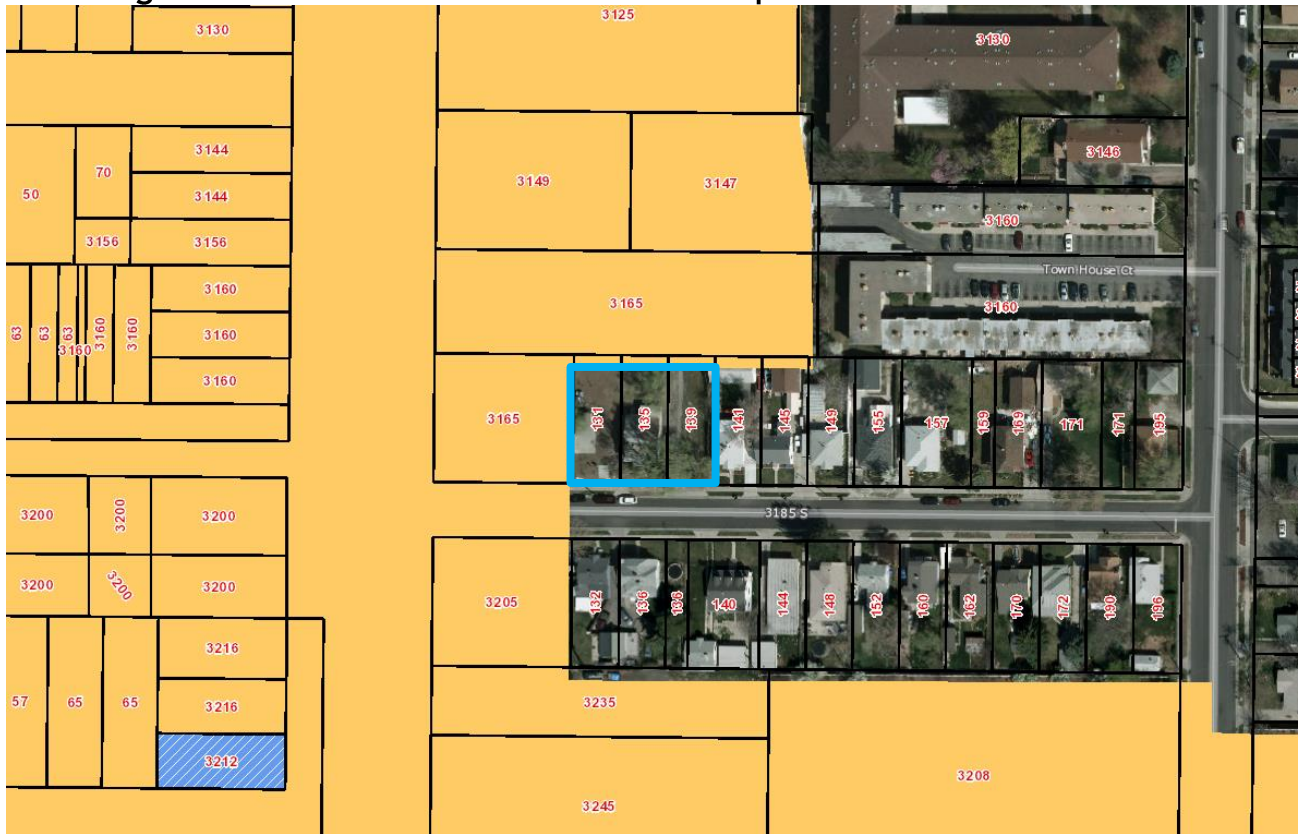


Figure 3: General Plan Future Land Use Map



Requirements:

17.07.020 - Establishment and duties of planning commission.

K. Responsibilities.

1. The planning commission makes recommendations to the city council for:
 - a. The general plan and amendments to the general plan;

General Plan Considerations:

Goal LU-1. Regulate land uses based on compatibility with surrounding uses, residential areas and economic feasibility. Maintain residential, business and industrial areas that are vibrant and where the health and safety of all are protected.

Objective LU-1.2: Preserve business and industrial areas.

Policy LU-1.1.1: Do not allow encroachment into existing residential areas on a lot-by-lot basis. If encroachment is allowed into a residential area, it should be done on a larger scale with significant amenities and buffers installed to upgrade the neighborhood.

Goal LU-3 Appropriately seek the redevelopment of legal non-conforming uses, properties and structures to be more conforming over the long term.

Objective LU-3.1: Establish specific programs that can eliminate or reduce non-conformity.

Policy LU-3.1.1: Whenever a change of use occurs require the installation of parking, landscaping and other requirements.

Goal LU-7. Protect low density residential areas adjacent to business districts

Objective LU-7.1: Mitigate impacts caused by businesses near low density residential by the addition of landscape buffers, traffic calming and traffic reduction measures.

Policy LU-7.1.1: Study and determine the feasibility of using traffic calming and traffic reduction measures.

Policy LU-7.1.2: Site medium density residential projects between intense businesses and low density residential

Policy LU-7.1.3: If alleyways exist between businesses and residential consider converting them to pedestrian walkways and bike paths

Goal CV-3. Follow the General Plan as closely as possible.

Objective CV-3.1: The General Plan should guide all land use amendments and decisions by the Planning Commission and City Council.

Policy CV-3.1.1: Land use recommendations should always reference the General Plan.

Policy CV-3.1.2: If the General Plan is not followed, the reasons for not following the Plan should be established and recorded.

Objective CV-3.2: The General Plan should be kept as a relevant document.

Policy CV-3.2.1: If the desired land use changes are not consistent with the General Plan, an amendment to the plan should be considered.

Staff Analysis:

The Community and Economic Development Departments main concern is allowing commercial encroachment into the existing residential area and protecting low density residential areas adjacent to business districts. Policy 1.1.1 under Land Use Goal 1 states "do not allow encroachment into existing residential areas on a lot-by-lot basis. If encroachment is allowed into a residential area, it should be done on a larger scale with significant amenities and buffers installed to upgrade the neighborhood." There will always be a balance between preserving residential integrity of the neighborhoods adjacent to State Street and allowing commercial properties to expand or redevelop.

Where this proposal is a complete redevelopment of the property and is a larger scale project staff believes that it can be an improvement to the neighborhood. The existing commercial buildings on the property need to be redeveloped into more modern structures that meet the needs of the applicant as well as the City. It has been a number of years since any re-investment has occurred in this area of the City. As part of the overall proposal, landscaping will be installed along State Street as well as along 3185 S. and adjacent to the east residence as a buffer. The applicant will not be allowed to park vehicles on the vacant lot until redevelopment occurs

City Council Options:

A. Approval

Approval of the applicant's petition to amend the future land use map to designate .33 acres located at 3165-3185 S. State and 131-139 E. 3185 S. from Low Density Residential to General Commercial, with the following findings:

1. The potential redevelopment of the property is considered a larger scale development and will provide landscape buffers to upgrade the neighborhood
2. The adjacent low density residential will be protected from the business district through the addition of landscape buffers
3. New development will enhance the appearance of the Commercial District

B. Denial

Denial of the applicant's petition to change the future land use map at 3165-3185 S. State and 131-139 E. 3185 S. for the following reason:

1. The General Plan includes a policy to not allow encroachment into existing residential areas on a lot-by-lot basis. This application seeks to amend the designation of three single family parcels from low density residential to Commercial General
2. Encroachment into the residential district should be done on a larger scale with significant amenities and buffers installed to upgrade the neighborhood

Attachments

Site photos

Applicant letter

Development proposal

Planning Commission Minutes

Site Photos

Picture of the existing dealership



Picture of the existing single family homes



Applicant Letter

March 4, 2015

City of South Salt Lake
Community Development Department
220 E. Morris Avenue Ste. 200
South Salt Lake, UT 84115

Re: Car City Rezoning

To Whom It May Concern:

Car City has simply out grown its current layout. With a continual increase in sales, we are bursting at the seams and are having a difficult time finding places to store inventory that doesn't break ordinances and codes.

Recently an opportunity came up to buy the three residential lots to the east of Car City and we jumped at the opportunity. There was a rundown abandoned home that was known to have shady activities happening there and we tore it down and feel as if we made the neighborhood safer.

Also our current office and garage are older and in need of constant repair to meet current codes and to be kept presentable for customers.

With all of the above mentioned items we would like to take the three residential lots and turn them into commercial zoning. This would allow Car City to expand for their increased inventory, allow for a new building and make everything look all around better and more functional. We feel it is good for South Salt Lake City, the neighborhood, and Car City.

We hope you agree and thank you for your consideration in the rezoning of this property.

Sincerely,



Carlos Martinez



Planning Commission Work Meeting Minutes

Thursday, March 19, 2015

City Council Chambers

220 East Morris Avenue

Time 6:00 p.m.

Commission Members Present:

Rachel Lauritzen, Presiding
Lynda Brown
Holly Carson
Jeremy Carter
Brandon Dalton
Mark Kindred

Staff Members Present:
Director

Michael Florence, Community Development
Francis Lilly, Deputy Director
Alexandra White, City Planner
Sharen Hauri, Urban Design Director

Mr. Lilly reported that tonight there are two General Plan amendment petitions. The first was a petition to amend the Future Land Use Map from Medium Density Residential to General Commercial. The properties are currently owned by Car City who is looking to expand. The area shown in blue on the site map was formerly a vacant and abandoned home. The home had been vacant for over 20 years and suffered a calamity when a tree fell on it. In the last year the City was able to compel, through an abatement order, the demolition of the home. The owner of Car City agreed to take on the demolition and purchase the property. The applicant now wishes to redevelop it, expand the dealership site, and bring it into conformity in terms of parking, staging, and landscaping. He planned to provide a 10-foot buffer around the surrounding residential uses and enhance that corner of State Street and 3185 South.

It was noted that the Car City property is in the Commercial Corridor Zone and the former residence is in the Single-Family Residential Zone. The project would require a zone change and a design review that would be subject to a recommendation by the Planning Commission and approval by the City Council. The design review would be subject to Planning Commission approval. Mr. Lilly reported that policy specifies that if encroachment is allowed into a residential area, it should be done on a larger scale with significant amenities and buffers to upgrade the neighborhood. He felt this may be one of the critical questions on which the application hinges. Another goal addresses appropriately seeking the redevelopment of non-conforming uses, properties, and structures to be more conforming over the long term. This would modernize an existing dilapidated dealership site where the parking lot, parking configuration, and building do not meet the current design standards set forth in City Code. This would facilitate that redevelopment.

Another goal was to protect low-density residential areas adjacent to business districts. Mr. Lilly stated that an argument could be made that because the home was vacant for more than 20 years, the damage to the surrounding residential uses has been done. The question was whether the applicant should be forced to build a new home or allowed to expand the dealership. The provision in place is to follow the General Plan as closely as

possible. Staff recommended the Commission apply consistent criteria. Mr. Lilly stated that staff has always advised petitioners that they believe their chances of getting an approval are better if they can actually present a site plan that reorganizes the site makes a significant change to a piece of property.

Planning Commission Regular Meeting Minutes

Thursday, March 19, 2015

City Council Chambers

220 East Morris Avenue

Time 7:00 p.m.

Commission Members Present:

Rachael Lauritzen, Presiding
Lynda Brown
Holly Carson
Jeremy Carter
Brandon Dalton
Mark Kindred

Staff Members Present:
Director

Michael Florence, Community Development
Francis Lilly, Deputy Director
Alexandra White, City Planner

Moment of Reflection:

Chair Lauritzen

Pledge of Allegiance:

Commissioner Dalton

Motion to Approve the Agenda:

Commissioner Carter

Second to the Motion:

Commissioner Brown

Vote:

Unanimous

- **Public Hearing**
GP-15-001

A Recommendation to the City Council to amend the City's Future Land Use Map from Medium Density Residential to General Commercial.

Action Item

Address: 134, 135, 139 East 3185 South
Applicant: Car City, LLC, and Edgardo Martinez

Mr. Lilly presented the staff report and stated that the request will bring the Future Land Use Map designation in line with properties to the west and north. The property shown in red on the site plan map was identified as the Car City lot on the corner of State Street and 3185 South and is zoned Commercial. The applicant desired to incorporate the site of a former residential home on 3185 South into his dealership. The first step to that end was to bring the Future Land Use Map into alignment with the potential request to rezone the property from Single-Family Residential to Commercial.

Mr. Lilly explained that the Future Lane Use Map serves as a guiding document for zone changes in the City and specifies the residential property as Medium-Density Residential and the auto dealership as General Commercial. The history of the property was described. The applicants were asked to present a broad conceptual site plan indicating what they would like to do. They made it clear that they would like to rebuild the dealership and bring it into conformance with current City standards. Currently the dealership is non-conforming and the site has been difficult to manage and operate for both the City and the business owner. The proposed change would resolve most of the existing problems by giving the dealership sufficient acreage and frontage for a good street presence. It would also accommodate a new building with a 10-foot landscape buffer between it and the existing residential properties. There will be 15% site landscaping and 15 feet of landscaping along State Street, which is required by the ordinance.

Mr. Lilly asked the Commission to consider the following elements of the General Plan in making a decision:

1. Goal LU-1. Regulate land uses based on compatibility with surrounding uses, residential areas, and economic feasibility. Maintain residential, business, and industrial areas that are vibrant and where the health and safety of all are protected.
2. Goal LU-3. Appropriately seek the redevelopment of legal non-conforming uses, properties, and structures to be more conforming over the long term.
3. Goal LU-7. Protect low density residential areas adjacent to business districts.
4. Goal CV-3. Follow the General Plan as closely as possible.

Chair Lauritzen asked about the distance from the sidewalk to the transit station. Mr. Lilly stated that there is a bus stop on the sidewalk. The distance to the transit station was estimated at one-half mile.

Jeremy Hansen was present from Dominion Engineering and identified himself as the engineer who prepared the site plan. Carlos Martinez, the owner of Car City, LLC, stated that the existing building is old and in constant need of repair. He felt that in the long run constructing a new building will save him money. In response to a question raised by Chair Lauritzen, Mr. Martinez stated that the new building will fit in very well with the existing neighborhood and improve the appearance of the area.

Mr. Hansen stated that the plan includes the placement of a screened wall between the commercial and residential and a 10-foot landscaped buffer between the residential and commercial on the east side. The proposed changes will improve the look of the business and make it more functional.

With regard to access, Mr. Hansen stated that currently there are three accesses along 3185 South, none of which are used currently. The one furthest to the east is used by the resident. The drive approach on State Street is currently being used by the business. They would maintain the access on State Street and only use the one access to close up a few of the existing drive approaches. The access off of 3185 South will be primarily for

the dealership. The primary access for customers will be off of State Street. The possibility of a gate was discussed to limit access.

Chair Lauritzen opened the public hearing at 7:39 p.m.

Kelly Hildebrandt reported that he lives on the property farthest east. He had no quarrel with Mr. Martinez but was concerned about what will happen 10 years from now. He commented that the City has a reputation for using eminent domain to move people out of their properties. Mr. Hildebrandt had seen businesses come and go on the property over the years and did not want to be forced out of his home at some point in the future. He submitted a letter from his neighbor who was not able to be present which was made part of the record.

Virgil Ekstrom identified himself as Mr. Hildebrandt's neighbor and did not want to see the car dealership expand. He remarked that the shop is on their street and their mechanics work on cars and test drive them up and down the street at high speeds. Mr. Ekstrom had complained on several occasions and informed the offending employees that there are children in the neighborhood. In the past they the employees been combative. He considered the situation to be unsafe.

Carolina Recupro identified herself as Mr. Ekstrom's neighbor and also had concerns with the proposal. She owns a business in the City and walks her dog every day to work. There is always a car parked in her path, which is inconvenient. She was also worried about her property value decreasing.

McKenzie Diederich gave her address as 141 East 3185 South and expressed concern with privacy since they are directly next to the subject property. She felt her privacy had already been invaded since she has a chain link fence and the dealership parks cars right up next to it. This prevents her from opening her kitchen window. Her back door is on the side and she feels like she can't use that door because there are always cars and workers there. They also park in front of her home. Her biggest concern was whether privacy fencing will be installed. She asked that it be installed around the entire lot and stated that the property currently looks very trashy. The existing fence is chain link with barbed wire and is dilapidated. She agreed to provide the Commission with photos for their consideration.

Austin Enser gave his address as 141 East 3185 South and expressed concern with the lack of a fence. What the applicants were planning seemed nice and he did not object to them growing as long as steps are not taken to take over the surrounding properties through eminent domain to grow further. He also recommended that privacy fencing be installed and that cars not park on the street.

Ryan Goff gave his address as 160 East 3185 South and shared the concerns raised previously. He commented that the property is an eyesore and he empathized with the business owner. His concern was that the situation will not improve based on how they maintain the existing property and observing their shop procedures. He hoped there would be enough oversight to make sure it is done correctly and not merely an expansion of an eyesore.

Melquisedec Motute gave his address as 148 East 3185 South and stated that the situation cannot completely be blamed on the dealership. He has three children with the youngest

being two years old. In the summer they like to spend time outside. He asked that speed bumps be installed on both sides of the street in an effort to reduce vehicular speeds. Mr. Motute also questioned how property values will be affected by the proposal.

A letter submitted by John and Lora Cowan was read and made part of the record. The Cowans live at 142 East 3185 South and love their neighborhood. He trusted the City to ensure that the zoning will remain residential so that the improvements will not be undermined.

Chair Lauritzen commented that some traffic enforcement issues may need to be addressed. Mr. Lilly agreed and stated that when redevelopment occurs adjacent to existing residential uses the City's design standards require a number of things. First, an eight-foot privacy wall is required. It cannot have barbed wire, must be light type, and of a durable material. In addition, all new redevelopment that occurs adjacent to existing residential must have a 10-foot landscape buffer between the residential property line and the use. If the change is approved, the site redevelopment would result in an eight-foot block wall and a 10-foot buffer between their rear yards. That was thought to be a significant improvement over what exists currently.

There were no further public comments. Chair Lauritzen closed the public hearing at 7:57 p.m.

Chair Lauritzen pointed out that the situation is tricky because there are a number of competing goals in the Master Plan.

Commissioner Kindred commended Mr. Martinez for wanting to expand his business and improve its appearance. He considered what was proposed to be lot-by-lot encroachment and did not think it qualifies as large scale rezoning.

Chair Lauritzen questioned whether the amenities are significant enough to mitigate the impact on the neighborhood. She also questioned whether the scale is large enough. She also identified encroachment as an issue. She felt that the impact to the three lots would have a significant impact on the neighborhood.

Commissioner Dalton felt that expansion of the site, a better designed building, and a site plan will solve many of the existing problems. He felt there were many opportunities to make 3185 South a better street with the expansion. In addition, he thought the quality of the commercial property will be greatly improved by constructing a new building.

Commissioner Carter wanted to consider whether this is the right thing. He agreed that the design could mitigate some of the issues that are currently being experienced by the residents. He was concerned about changing the zoning and then trying to walk it back if it doesn't go through since it would have meant the elimination of three parcels that could have been used for residential. He had a difficult time justifying changing the zoning with a future land use for this purpose. Additionally he did not think the lot was large enough and does not change enough.

Motion to recommend DENIAL of the applicant's petition to the South Salt Lake City Council to amend the Future Land Use Map at 3165-3185 South State Street and 131-139 East 3185 South for the following reasons:

- 1. The General Plan includes a policy to not allow encroachment into existing residential areas on a lot-by-lot basis. This application seeks to amend the designation of three single-family parcels from Low-Density Residential to Commercial General.**
- 2. Encroachment into the residential district should be done on a larger scale with significant amenities and buffers installed to upgrade the neighborhood.**

Commissioner Carson

Second to the motion:

Commissioner Kindred

Vote:

**Commissioner Kindred – Aye;
Commissioner Brown – Nay;
Chair Lauritzen – Aye;
Commissioner Carson – Aye;
Commissioner Dalton – Nay;
Commissioner Carter-Aye.**

The motion passed 4-to-2.